



## **Appendix A**

Notice of Preparation and Notice of Preparation  
Comments

**Kimley»Horn**



## **Appendix A-1**

Notice of Preparation and Notice of Preparation  
Presentation

**Kimley»Horn**



## NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

**DATE:** October 31, 2025  
**TO:** State Clearinghouse, Agencies, Organizations, and Interested Parties  
**PROJECT:** Riverview Market Commercial Project

This Notice of Preparation (NOP) has been prepared to notify agencies, organizations, and interested parties that the City of Bakersfield (City), as the Lead Agency, will prepare an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) for the Coffee Road Ventures, LLC proposed Riverview Market Commercial Project (GPA File No. 23-0001) (Project). The City is requesting input from reviewing agencies and the public regarding the scope and content of the EIR.

The Project site is located in the northwestern portion of the City of Bakersfield (Figure 1, Regional Map). The Project Site is 46.16 acres which consists of one legal parcel (APN 368-010-05) and is an undeveloped L-shaped property situated along the south side of Rosedale Highway (CA-58), north of the railroad tracks, west of Coffee Road, and east of El Toro Viejo Road. The Project site is zoned M-2 (General Manufacturing) which allows the proposed commercial retail center use.

The Project involves construction and operation of the Riverview Market, a commercial retail center, that would encompass 405,531 square feet of total building space. The specific businesses and/or tenants that would ultimately occupy each of the buildings are not fully known at this time. However, it is assumed that larger anchor building's interior to the Project site would be occupied by markets, retail uses, storage uses, and a health club. The outer building pads would be occupied by smaller retail tenants, a medical office, drive-thru, fast casual and sit-down restaurants, a car wash, and a gas station with 20 dual-sided pumps. Other Project components include vehicular access and circulation improvements (both on- and off-site); surface parking areas and drive aisles; pedestrian access and circulation improvements; various landscape, hardscape, and lighting improvements; green space/park improvements; site and tenant signage; and infrastructure and utility improvements. Project construction is anticipated to occur over an approximately 20-month timeframe, commencing in early 2026 and ending in late-2027.

The discretionary entitlements, reviews, permits and approvals required to implement the Project include, but are not necessarily limited to, the following:

- General Plan Amendment (GPA) (of the land use element of the Metropolitan Bakersfield General Plan (General Plan) from P (Public Facilities) to LI (Light Industrial)
- Site Plan Review consistent with the Bakersfield Municipal Code 17.08.140.
- Tentative Subdivision Map
- Comprehensive Sign Plan
- Certification of an Environmental Impact Report

The applications filed with the City of Bakersfield includes the following:

- General Plan Amendment 23-0001 to change the general plan designation from P (Public Facilities) to LI (Light Industrial).
- Site Plan Review No. 23-0223 for the development of a 46.16-acre commercial retail development.

**Scope of the EIR:** In accordance with CEQA, the City requests that agencies review the description of the Project provided in this NOP and provide comments or guidance on the scope of environmental issues related to the statutory responsibilities of the Lead Agency. The EIR will be used by the City when considering the Project for approval and by other Responsible and Trustee Agencies to support their discretionary actions related to the Project, as applicable. The City is also seeking comments from residents, property owners, and other interested parties regarding issues they believe should be addressed in the EIR. A regional map, local vicinity map, and site plan are attached.

**Potential Environmental Impacts:** The Draft EIR will examine potential environmental impacts generated by the project in relation to the following Environmental Analysis categories: Aesthetics, Agricultural and Forest Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.

The EIR will assess the effects of the Project on the environment, identify potentially significant impacts, identify feasible mitigation measures to reduce or eliminate potentially significant environmental impacts, and discuss potentially feasible alternatives to the Project that may accomplish basic objectives while lessening or eliminating any potentially significant Project-related impacts.

The Notice of Preparation is available on the City's website at the following URL:

<https://www.bakersfieldcity.us/279/Environmental-Documents>

**Opportunity for Public Review and Comment:** The issuance of this NOP triggers a 32-day public scoping period. The scoping period begins on October 31, 2025, and ends on December 1, 2025. Comments may be sent to the City at any time during the 32-day public scoping period. Please focus your comments on issues related to the scope and content of the environmental analysis that will be included in the EIR. All scoping comments must be received by the City or postmarked by December 1, 2025. Due to the time limits mandated by state law, the City recommends that your feedback is provided at the earliest possible date but not provided later than 32 days after the date of this notice. Trustee Agencies and Responsible agencies are asked to identify their statutory authorities pertaining to the Project. If applicable, please include the name and contact information of a contact person for your agency. Direct all comments to:

**City of Bakersfield  
Development Services Department – Planning Division  
Attn: Ashley Knight, Assistant Planner  
1715 Chester Avenue, 2nd Floor  
Bakersfield, CA 93301**

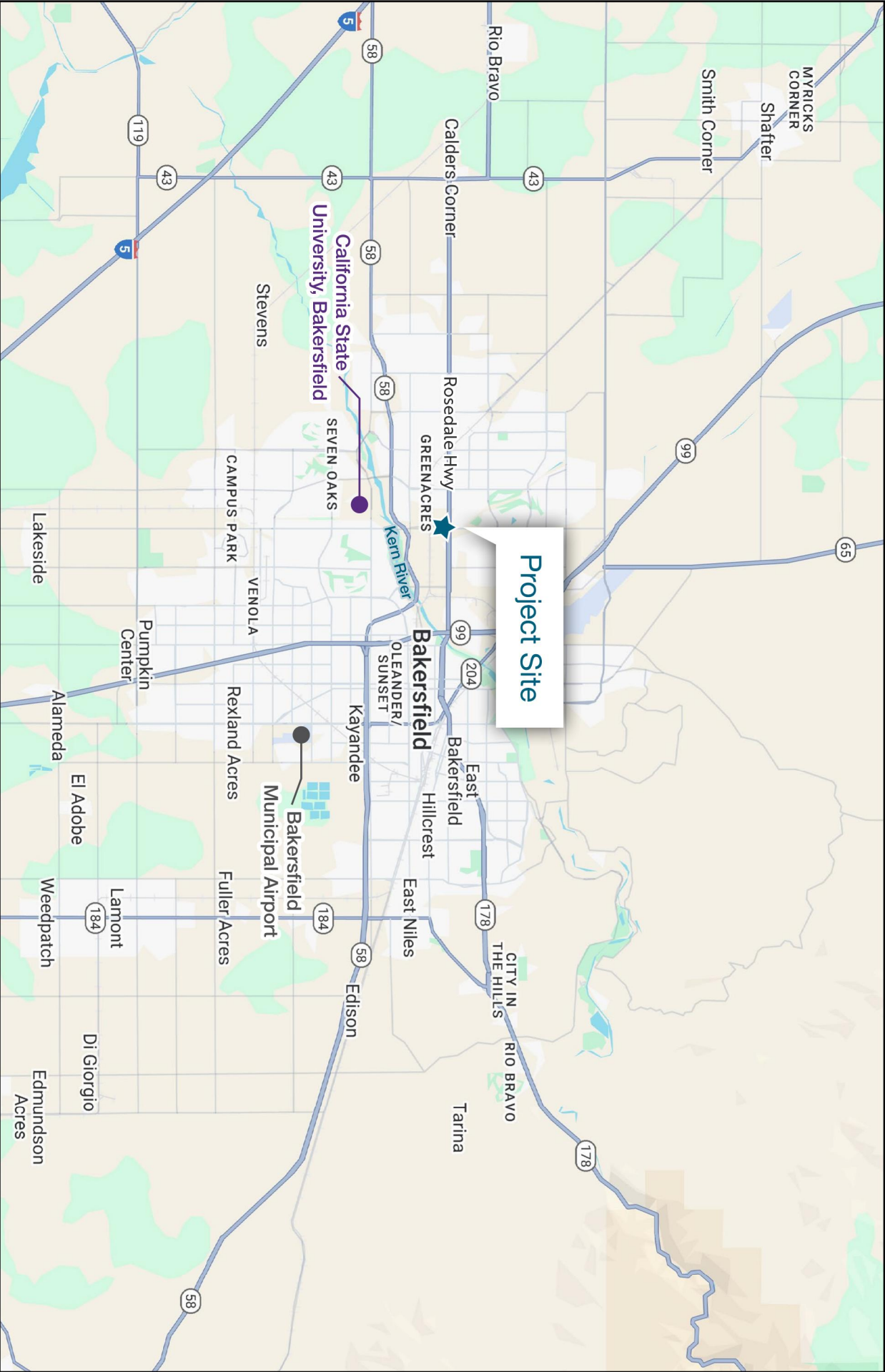
An EIR public scoping meeting for the Project will be noticed separately. Comments may also be emailed to [aknight@bakersfieldcity.us](mailto:aknight@bakersfieldcity.us)

**Attachments:**

**Figure 1 – Regional Map**

**Figure 2 – Local Vicinity Map**

**Figure 3 – Conceptual Site Plan**



SOURCE: Google Maps, 2024



**FIGURE 1: Regional Location Map**

RIVERVIEW MARKET PROJECT

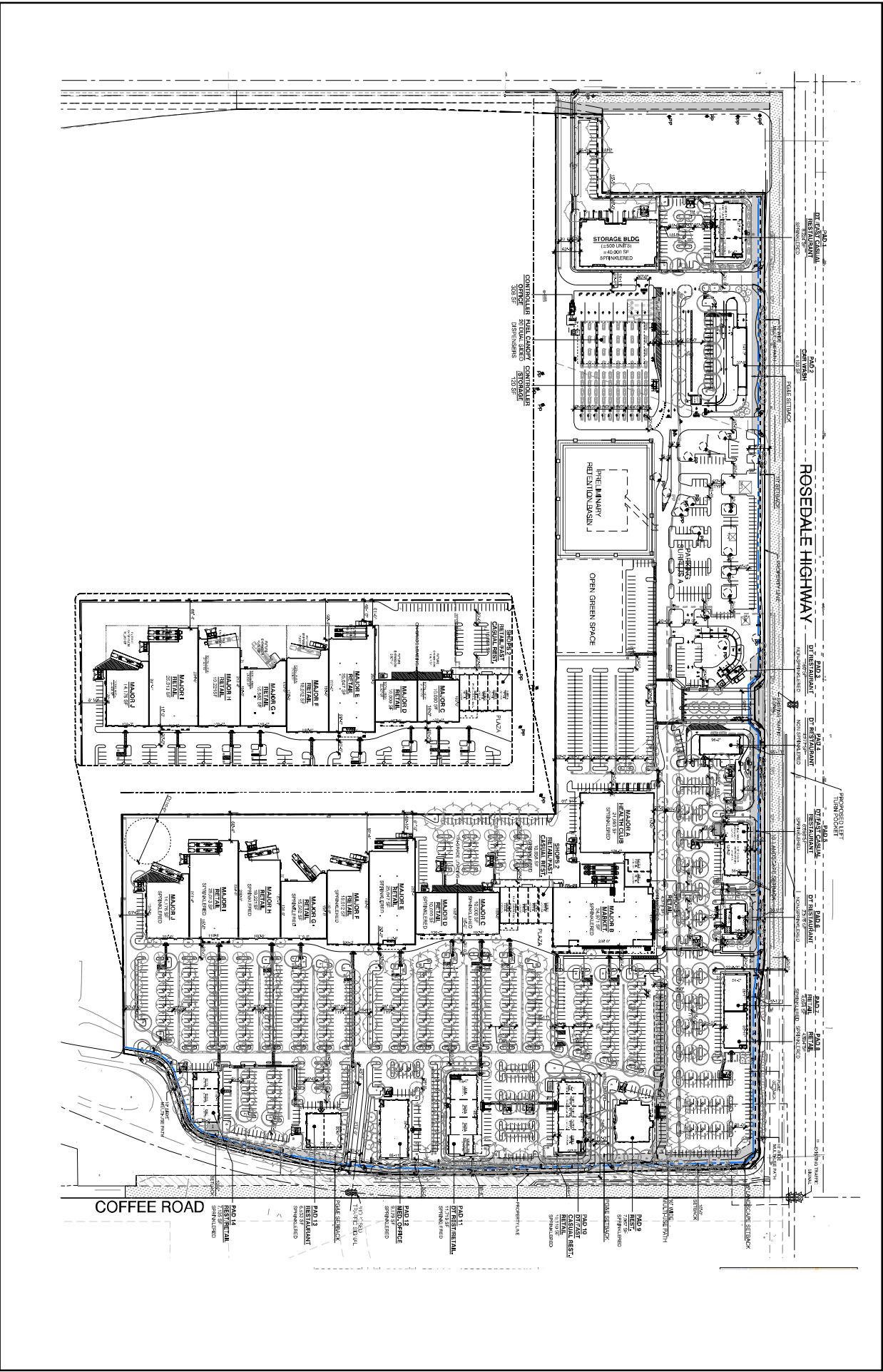


SOURCE: Google Earth Pro, 2024



**FIGURE 2: Local Vicinity Map**

RIVERVIEW MARKET PROJECT



SOURCE: McG Architecture, 2025



N.T.S.

FIGURE 3: Conceptual Site Plan

RIVERVIEW MARKET PROJECT

## Kimley»Horn

- ❖ Lead Agency: City of Bakersfield
  - Roque Nino, Principal Planner
  - Ashley Knight, Assistant Planner
- ❖ EIR Preparer: Kimley-Horn and Associates, Inc.
  - Jessie Barkley, Project Manager

[illegible]

## Riverview Market Commercial Project Overview



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## CEQA Process

- The California Environmental Quality Act (CEQA) is required for discretionary approvals
- Purpose is to inform decision makers and the public of potential effects of project approval
- Identify ways to avoid or reduce environmental impacts
- Define and analyze alternatives; and
- Foster inter-agency coordination and public review/participation

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## Purpose of an EIR

- Shares information with the public regarding a project's potential impacts
- Identifies mitigation and ways to avoid/reduce impacts
- Analyzes alternatives to the proposed project
- Fosters interagency coordination and public review
- Provides a comprehensive environmental document that serves as a guiding tool for decision makers

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## EIR Topics

Based on the NOP, the following topics will be addressed in the Project EIR:

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| • Aesthetics                      | • Land Use and Planning         |
| • Agriculture and Forestry        | • Mineral Resources             |
| • Air Quality                     | • Noise                         |
| • Biological Resources            | • Population and Housing        |
| • Cultural Resources              | • Public Services               |
| • Energy                          | • Recreation                    |
| • Geology and Soils               | • Transportation / VMT          |
| • Greenhouse Gas Emissions        | • Tribal Cultural Resources     |
| • Hazards and Hazardous Materials | • Utilities and Service Systems |
| • Hydrology and Water Quality     | • Wildfire                      |

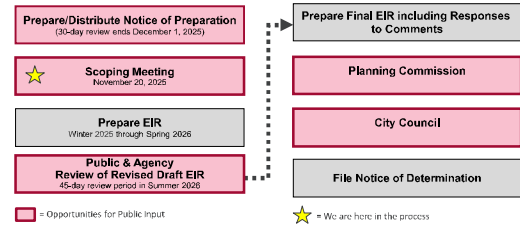
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## Purpose of a Scoping Meeting

- Presents the project and environmental process
- Provides an opportunity for public input (*A scoping meeting is not the only opportunity for input*)
- Public comments from the Notice of Preparation public review period and scoping meeting help inform the scope, focus, and content of the upcoming EIR.
- No decision is being made on the project tonight

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## Environmental Review Process



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## Four Ways to Submit Comments By December 1, 2025

- Submit written comments at this meeting
- Speak at the podium
- By email: [aknight@bakersfieldcity.us](mailto:aknight@bakersfieldcity.us)
- By mail: Attn: Ashley Knight, Assistant Planner  
1715 Chester Avenue, 2nd Floor  
Bakersfield, CA 93301

*REMINDER: Comments should be focused on the scope and content of the environmental information to be included in the Environmental Impact Report (EIR).*

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Thank you

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## **Appendix A-2**

Notice of Preparation Comments



## NATIVE AMERICAN HERITAGE COMMISSION

October 31, 2025

Ashley Knight  
City of Bakersfield  
1715 Chester Ave  
2nd Floor  
Bakersfield CA 93301

CHAIRPERSON  
**Reginald Pagaling**  
Chumash

VICE-CHAIRPERSON  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

SECRETARY  
**Isaac Bojorquez**  
Ohlone-Costanoan

PARLIAMENTARIAN  
**Wayne Nelson**  
Luiseño

COMMISSIONER  
**Sara Dutschke**  
Miwok

COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

COMMISSIONER  
**Bennae Calac**  
Pauma-Yuima Band of  
Luiseño Indians

COMMISSIONER  
**Vacant**

COMMISSIONER  
**Vacant**

ACTING EXECUTIVE  
SECRETARY  
**Michelle Carr**

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)

## Re 2025101507 Riverview Market Commercial Project, Kern County

Dear Ms. Knight:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code § 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- Avoidance and preservation of the resources in place, including, but not limited to:
    - Planning and construction to avoid the resources and protect the cultural and natural context.
    - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - Protecting the cultural character and integrity of the resource.
    - Protecting the traditional use of the resource.
    - Protecting the confidentiality of the resource.
  - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalePAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalePAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Mathew.Lin@NAHC.ca.gov](mailto:Mathew.Lin@NAHC.ca.gov).

Sincerely,

*Mathew Lin*

Mathew Lin  
Cultural Resources Analyst

cc: State Clearinghouse

November 25, 2025

Ashley Knight  
City of Bakersfield  
Development Services Department – Planning Division  
1715 Chester Avenue, 2<sup>nd</sup> Floor  
Bakersfield, CA 93301

**Project: Notice of Preparation of an Environmental Impact Report for Riverview  
Market Commercial Project**

**District CEQA Reference No: 20251287**

Dear Ms. Knight:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Notice of Preparation (NOP) from the City of Bakersfield (City) for the project mentioned above. Per the NOP, the project consists of a 405,531 square foot commercial retail center which includes markets, retail uses, storage uses, health club, medical office, drive through fast food restaurants, car wash, and a gas station (Project). The Project is located on the south west corner of Rosedale Highway and Coffee Road in Bakersfield, CA 93312. (APN: 368-010-05).

The District offers the following comments at this time regarding the Project:

**1) Project Related Emissions**

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM<sub>2.5</sub>) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> standards.

The District's initial review of the Project concludes that emissions resulting from construction and/or operation of the Project may exceed any of the following significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: <https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf>.

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (661) 392-5500 FAX: (661) 392-5585

The District recommends that a more detailed preliminary review of the Project be conducted for the Project's construction and operational emissions.

#### **1a) Construction Emissions**

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment.

#### **1b) Operational Emissions**

Operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District's significance thresholds are identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts:

<https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf>.

*Recommended Mitigation Measure:* At a minimum, project related impacts on air quality should be reduced to levels below the District's significance thresholds through incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled (VMTs), and measures that increase energy efficiency. More information on transportation mitigation measures can be found at: <https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf>

#### **1c) Project Trip Length for HHD Truck Travel**

The City's environmental review should adequately characterize and justify an appropriate trip length distance for off-site HHD truck travel to and from the Project site. Based on the following factors: 1) the Project consists of a commercial retail center that has the potential to generate a high volume of HHD truck trips, and 2) HHD trucks generally travel further distances for distribution. The District recommends the environmental review include a discussion characterizing an appropriate trip length distance for HHD truck travel, and reflect such appropriate distance supported by project-specific factors.

#### **1d) Recommended Model for Quantifying Air Emissions**

Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: [www.caleemod.com](http://www.caleemod.com).

## **2) Health Risk Screening/Assessment**

The City should evaluate the risk associated with the Project for sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for the Project. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

### Prioritization (Screening Health Risk Assessment):

A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology. Please contact the District for assistance with performing a Prioritization analysis.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

### Health Risk Assessment:

Prior to performing an HRA, it is strongly recommended that land use agencies/ project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the health impacts would exceed the District's established risk thresholds, which can be found here:

<https://ww2.valleyair.org/permitting/ceqa/>.

A project with a significant health risk would trigger all feasible mitigation measures.

The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org)
- Calling (559) 230-5900

*Recommended Measure:* Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors to prevent the creation of a significant health risk in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at <https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources>.

### **3) Ambient Air Quality Analysis**

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

An AAQA uses air dispersion modeling to determine if emission increase from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website: <https://ww2.valleyair.org/permitting/ceqa/>.

#### **4) Voluntary Emission Reduction Agreement**

Criteria pollutant emissions may result in emissions exceeding the District's significance thresholds, potentially resulting in a significant impact on air quality. When a project is expected to have a significant impact, the District recommends the Environmental Impact Report (EIR) also include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for this Project.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of agricultural equipment with the latest generation technologies.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

#### **5) Truck Routing**

Truck routing involves the assessment of which roads Heavy Heavy-Duty (HHD) trucks take to and from their destination, and the emissions impact that the HHD trucks may have on residential communities and sensitive receptors. Since the Project consists of a commercial retail center, the Project has the potential to generate HHD truck trips.

The District recommends the City evaluate HHD truck routing patterns for the Project, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the

destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

#### **6) Cleanest Available Heavy-Duty Trucks**

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NO<sub>x</sub> emissions in the San Joaquin Valley. Accordingly, to meet federal air quality attainment standards, the District's ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.

The Project consists of a commercial retail center, the Project has the potential to generate HHD truck trips. Since the Project may exceed the District significance thresholds, the District recommends that the following measures be considered by the City to reduce Project-related operational emissions:

- *Recommended Measure:* Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies.
- *Recommended Measure:* All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

#### **7) Reduce Idling of Heavy-Duty Trucks**

The goal of this strategy is to limit the potential for localized PM<sub>2.5</sub> and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

Since the Project has the potential to generate HHD truck trips, the District recommends the EIR include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors.

#### **8) Under-fired Charbroilers**

The Project may have restaurants with under-fired charbroilers. Such charbroilers may pose the potential for immediate health risk, particularly when located in densely populated areas or near sensitive receptors.

Since the cooking of meat can release carcinogenic PM<sub>2.5</sub> species, such as polycyclic aromatic hydrocarbons, controlling emissions from new under-fired

charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises air quality concerns.

Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM<sub>2.5</sub> standards. Therefore, the District recommends that the EIR include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers.

The District is available to assist the City and project proponents with this assessment. Additionally, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system during a demonstration period covering two years of operation. Please contact the District at (559) 230-5800 or [technology@valleyair.org](mailto:technology@valleyair.org) for more information, or visit: <https://ww2.valleyair.org/grants/restaurant-charbroiler-technology-partnership/>

## **9) Vegetative Barriers and Urban Greening**

There are single family residential units located south west of the Project. The District suggests the City consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residential units).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the uptake of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

## **10) On-Site Solar Deployment**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public

health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project.

### **11)Electric Infrastructure**

The District recommends that the City require all nonresidential buildings be designed to provide electric infrastructure to support the use of on-road zero emissions vehicles, such as Medium-Heavy Duty trucks and HHD trucks associated with a commercial project.

Please visit <https://ww2.valleyair.org/grants/charge-up> for more information.

### **12)Nuisance Odors**

While offensive odors rarely cause any physical harm, they can be unpleasant, leading to considerable distress among the public and often resulting in citizen complaints.

The City should consider all available pertinent information to determine if the Project could have a significant impact related to nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration the proposed business or industry type and its potential to create odors, as well as proximity to off-site receptors that potentially would be exposed to objectionable odors. The intensity of an odor source's operations and its proximity to receptors influences the potential significance of malodorous emissions. Any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact.

According to the District Guidance for Assessing and Mitigating air Quality Impacts (GAMAQI), a significant odor impact is defined as more than one confirmed complaint per year averaged over a three-year period, or three unconfirmed complaints per year averaged over a three-year period. An unconfirmed complaint means that either the odor or air contaminant release could not be detected, or the source of the odor could not be determined.

### **13)District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: <https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations>. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (661) 392-5665.

### **13a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (661) 392-5665.

### **13b) District Rule 9510 - Indirect Source Review (ISR)**

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 9,000 square feet of development space.

The purpose of District Rule 9510 is to reduce the growth in both NO<sub>x</sub> and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NO<sub>x</sub> and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please immediately submit an AIA application to the

District to comply with District Rule 9510 so that proper mitigation and clean air design under ISR can be incorporated into the Project's design. One AIA application should be submitted for the entire Project.

Information about how to comply with District Rule 9510 can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview>

The AIA application form can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/>

District staff is available to provide assistance and can be reached by phone at (559) 230-5900 or by email at [ISR@valleyair.org](mailto:ISR@valleyair.org).

### **13c) District Rule 9410 (Employer Based Trip Reduction)**

The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about District Rule 9410 can be found online at: <https://ww2.valleyair.org/compliance/rule-9410-employer-based-trip-reduction/>.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at [etrip@valleyair.org](mailto:etrip@valleyair.org)

### **13d) District Rule 4601 (Architectural Coatings)**

The Project may be subject to District Rule 4601 since it may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: <https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf>

### **13e) District Regulation VIII (Fugitive PM10 Prohibitions)**

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: <https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx>

Information about District Regulation VIII can be found online at: <https://ww2.valleyair.org/dustcontrol>

### **13f) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

### **14) District Comment Letter**

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Harout Sagherian by e-mail at [Harout.Sagherian@valleyair.org](mailto:Harout.Sagherian@valleyair.org) or by phone at (559) 230-5860.

Sincerely,

Mark Montelongo  
Director of Policy and Government Affairs

A handwritten signature in black ink, appearing to read 'Daniel Martinez', is positioned above the printed name.

Daniel Martinez  
Program Manager



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243 - 4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



November 26, 2025

Ashley Knight, Assistant Planner  
City of Bakersfield  
1715 Chester Avenue, 2<sup>nd</sup> floor  
Bakersfield, California 93301  
(661) 326 – 3673  
[aknight@bakersfieldcity.us](mailto:aknight@bakersfieldcity.us)

**Subject: Riverview Market Commercial Project (Project)**  
**Notice of Preparation (NOP)**  
**State Clearinghouse No.: 2025101507**

Dear Ashley Knight:

The California Department of Fish and Wildlife (CDFW) received a NOP from the City of Bakersfield, as Lead Agency, for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802.). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Ashley Knight, Assistant Planner  
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agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, reasonably foreseeable future projects may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of reasonably foreseeable future projects may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

**Nesting Birds:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

**Unlisted Species:** Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened on any State or federal list pursuant to CESA and/or the federal Endangered Species Act (ESA) to be considered Endangered, Rare, or Threatened under CEQA. If a species can be shown to meet the criteria specified in the CEQA Guidelines (Cal. Code Regs., tit. 14, Chapter 3, § 15380), it should be fully considered in the environmental analysis for the Project.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Coffee Road Ventures, LLC

**Objective:** The Project proposes the construction and operation of a commercial retail center that would encompass 405,531 square feet of total building space. The Project would construct market, retail, and storage space, restaurants, and a gas station, car wash, and health club. Other Project components will include vehicular access and circulation, various landscape, hardscape, and lighting improvements, green space/park improvements, site and tenant signage, and infrastructure and utility improvements.

**Location:** The Project site is located on approximately 46 acres in the northwestern portion of the City of Bakersfield. The Assessor's Parcel Number associated with the Project is: 368-010-05.

**Timeframe:** Approximately 20 months commencing in early 2026 and ending in 2027.

Ashley Knight, Assistant Planner

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## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Bakersfield in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the Draft Environmental Impact Report (DEIR) prepared for this Project.

### Special-status Species

Aerial imagery shows the Project site contains vacant, undeveloped land comprised of regularly tilled ruderal vegetation and annual grasslands, with internal dirt paths and staging areas for equipment and /materials. The Project site is bordered by a Pacific Gas and Electric Company power generation site on the west and south portions of the Project site; a commercial development and vacant undeveloped land is located to the east; and commercial development is located north of the Project site. The Kern River Parkway is approximately one mile south and California State University, Bakersfield is approximately two miles south of the Project site.

Based on a review of the NOP, aerial imagery, the surrounding habitat, and California Natural Diversity Database (CNDDB) records (CDFW 2025), the Project is within the range of several special-status animal species including, but are not limited to, the federally endangered and State threatened San Joaquin kit fox (*Vulpes macrotis mutica*); the State threatened Swainson's hawk (*Buteo swainsoni*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*); the State Species of Special Concern American badger (*Taxidea taxus*) and Bakersfield legless lizard (*Anniella grinnelli*); and the State species of special concern and federally proposed threatened western spadefoot toad (*Spea hammondi*).

To adequately assess potential Project related impacts to biological resources in the DEIR, CDFW recommends that a qualified biologist perform relevant database reviews and other research of the Project area, then conduct focused habitat assessments and/or focused biological surveys during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project site. CDFW recommends this initial work be documented and used to inform further efforts that may be needed thereafter including the need for additional protocol surveys and/or the development of avoidance, minimization, and/or mitigation measures. This information and analysis may then be used to consider the development of modified or new Project alternatives to avoid and minimize potentially significant environmental impacts on the biological environment. This information is critical to make an informed decision during the CEQA process and to ensure Project compliance with CESA, Fish and Game code, and other applicable State and federal laws and regulations.

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## **San Joaquin Kit Fox**

Based on aerial imagery, the Project site and the vacant parcels surrounding the site contain suitable habitat for San Joaquin kit fox (SJKF) denning and foraging. The Project site is within the known geographic range of SJKF, and there are multiple recent and historical nearby occurrences listed on CNDDDB (CDFW 2025). Bakersfield is home to a significant urban population of SJKF and this population has been recorded to utilize anthropogenically altered habitats (Cypher 2013). San Joaquin kit fox may be attracted to both construction materials (pipes, etc.) and construction footprints due to the type and level of activity (excavation, etc.) and the loose, friable soils that are created as a result of intensive ground disturbance. SJKF will readily use shipping containers, portable buildings, and stacks of materials (e.g., I-beams, wooden boards) with spaces within or underneath them for denning, in addition to pipes and culverts (Cypher et al. 2023), and it is likely that these materials would be present within the Project site, prior to, during, and after construction. Therefore, CDFW recommends thoroughly inspecting all construction materials or structures with sufficient spaces for SJKF, in addition to pipes and culvert-like structures, before these materials are used or moved in any way during Project implementation. To deter SJKF from creating dens under construction materials, CDFW recommends elevating materials one foot or more off the ground using k-rails or similar structures. Additionally, CDFW recommends a qualified biologist conduct on-site worker awareness training and inspect all construction materials for SJKF before use. Any pits or trenches created should be sloped or covered to prevent inadvertent capture or entrapment (take).

In addition the general recommendations above, as SJKF have a high potential to den and/or forage within the Project site and have been documented within the Project vicinity, CDFW strongly recommends that the Project proponent consult with CDFW to discuss how to implement the Project and avoid take, or, if take cannot be avoided, to acquire SJKF take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b).

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Additionally, CDFW recommends adding the following as mitigation measures within the DEIR:

**Recommended Mitigation Measure 1: SJKF Preconstruction Surveys**

CDFW recommends assessing presence/absence of denning SJKF by conducting focused den surveys for the species prior to the initiation of Project ground disturbance activities. Specifically, CDFW recommends conducting these surveys over the entirety of the Project site no less than 14-days and no more than 30-days prior to beginning of ground and/or vegetation disturbing activities.

**Recommended Mitigation Measure 2: SJKF Avoidance Buffer**

CDFW recommends implementing no-disturbance buffers, as described in the USFWS' "Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (2011) (USFWS Protocol) around potentially suitable or known SJKF den sites.

**Recommended Mitigation Measure 3: SJKF Take Authorization**

If the no-disturbance buffers outlined in the USFWS Protocol for SJKF is not feasible, CDFW recommends that consultation with CDFW occur to discuss how to implement the Project and avoid take. If take cannot be avoided, CDFW recommends the Project proponent acquire take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) to comply with CESA.

**Swainson's Hawk**

Swainson's hawks (SWHA) are known to breed within the Central Valley of California and prefer to nest and forage in alfalfa, fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Several large parcels of lands to the south and east of the Project site may be utilized for foraging and infrastructure such and power and light poles in the Project vicinity may be utilized for perching. SWHA are known to travel up to 18 miles to forage and are also attracted to ground disturbing activities such as disking because these activities make prey vulnerable by reducing cover (Estep 1989). CNDDB occurrences are noted within this 18-mile distance of the Project site. SWHA exhibit high nest-site fidelity year after year and lack of suitable habitat limits their local distribution and abundance (CDFW 2016).

As suitable SWHA foraging and nesting habitat appear to be present within the Project site and vicinity, and SWHA have been documented within the surrounding area, CDFW recommends surveys for SWHA be conducted as part of the biological technical studies conducted in support of the DEIR by a qualified biologist following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000).

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In addition to conducting SWHA surveys, CDFW recommends the DEIR include the following measures:

**Recommended Mitigation Measure 4: SWHA Surveys Prior to Construction**

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project construction, CDFW recommends that additional surveys, following the survey methodology developed by the SWHA Technical Advisory Committee, be repeated the survey season immediately prior to any ground disturbing activities that occur as part of this Project.

**Recommended Mitigation Measure 5: SWHA Avoidance Buffer**

If Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. These buffers would remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of SWHA as a result of Project activities.

**Recommended Mitigation Measure 6: SWHA Take Authorization**

CDFW also recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

**Recommended Mitigation Measure 7: SWHA Foraging Habitat Mitigation**

Finally, CDFW recommends compensation for the loss of SWHA foraging habitat as described in CDFW's "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks" (CDFG 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of ¾ acre of HM land for each acre of development is advised.

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- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of ½ acre of HM land for each acre of development is advised.

### **Western Burrowing Owl**

The California Fish and Game Commission (FGC) approved BUOW as a candidate for potential listing as a protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

The Project site is within the known geographic range of BUOW and there are multiple historic and recent occurrences located within five miles of the Project site (CDFW 2025). BUOW inhabit open grasslands and desert scrublands containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover, and they are known to forage in agricultural lands. Based on aerial imagery, the Project site and adjacent lands contain suitable habitat for BUOW nesting and foraging.

As BUOW are known to occur within the Project vicinity and suitable nesting and foraging habitat is present within the Project site, CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) as part of the biological studies conducted in support of the DEIR. In addition to conducting surveys for BUOW, CDFW recommends the DEIR include the following measures:

#### **Recommended Mitigation Measure 8: BUOW Pre-construction Surveys**

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project construction, CDFW recommends that additional focused surveys, following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012), be conducted the survey season immediately prior to construction. Please note that the 2012 Staff Report necessitates multiple surveys prior to the initiation of construction.

#### **Recommended Mitigation Measure 9: BUOW Avoidance Buffer**

Should a BUOW or known BUOW den (active or inactive) be detected, either during pre-construction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012), be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

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### **Recommended Mitigation Measure 10: BUOW Take Authorization**

If a BUOW or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

### **Crotch's Bumble Bee**

The Project site is within the known geographical range of Crotch's bumble bee (CBB), and several recent occurrences have been documented within three miles of the Project site (CDFW 2025). CBB are known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses, and these habitat elements may be present within the Project site and Project vicinity.

As the Project site is within the known range for CBB and suitable nesting and foraging habitat may be present within the Project site and vicinity, CDFW recommends a qualified biologist conduct a habitat assessment as part of the biological technical studies conducted in support of the DEIR to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment. If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023). If suitable CBB habitat is identified during the habitat assessment, CDFW recommends the DEIR include the following measures:

### **Recommended Mitigation Measure 11: CBB Surveys**

Depending on the time between the initial survey efforts conducted in support of the DEIR and Project construction, CDFW recommends that a qualified biologist conduct additional focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

### **Recommended Mitigation Measure 12: CBB Avoidance**

If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the

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overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

### **Recommended Mitigation Measure 13: CBB Take Authorization**

If CBB is detected, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

### **State Species of Special Concern**

The Project is within the geographic range of species of American badger (AMBA), Bakersfield legless lizard (BLL), and western spadefoot (WESP), and suitable habitat may be present within the Project site. As such, CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support AMBA, BLL, and WESP. If suitable habitat is determined to be present, CDFW recommends that a qualified biologist conduct focused surveys for these species as part of the biological technical studies conducted in support of the DEIR. In addition to conducting habitat assessments and surveys for AMBA, BLL, and WESP, CDFW recommends the DEIR include the following measures.

### **Recommended Mitigation Measure 14: Surveys**

CDFW recommends that a qualified biologist conduct focused surveys, using appropriate survey methodologies, for the special-status species referenced above prior to any ground disturbing activities that may occur as part of the Project.

### **Recommended Mitigation Measure 15: Avoidance**

Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around dens or burrows/refugia of these species. If these species are observed on the Project site, CDFW recommends that Project construction activities in their immediate vicinity cease, allowing individuals to leave the Project site on their own accord.

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## **Editorial Comments and/or Suggestions**

**Nesting birds:** CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW further recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

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**Project Alternative Analysis:** CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis conducted in support of the Project's CEQA document be used to develop and modify the Project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, remaining impacts to sensitive biological resources should be mitigated to reduce impacts to a less than significant level, if feasible.

**CNDDDB:** Please note that the CNDDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. In order to adequately assess any potential Project related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project site.

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to the CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to the CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## FILING FEES

The Project, as proposed, could have an impact on biological resources, and an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

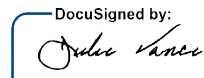
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## CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Bakersfield in identifying and mitigating Project impacts on biological resources. A Mitigation Monitoring and Reporting Program (Attachment 1) is included below to assist the City of Bakersfield with incorporating the recommended mitigation measures provided above.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions regarding this letter or further coordination, please contact Marile Colindres, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 974-3452, or by electronic mail at [marile.colindres@wildlife.ca.gov](mailto:marile.colindres@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

## ATTACHMENT 1: Mitigation Monitoring and Reporting Program

ec: State Clearinghouse  
Governor's Office of Land Use and Climate Innovation  
[state.clearinghouse@lci.ca.gov](mailto:state.clearinghouse@lci.ca.gov)

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## REFERENCES

- California Department of Fish and Game. 1994. Staff report regarding mitigation for impacts to Swainson's hawks (*Buteo Swainsoni*) in the Central Valley of California. California Department of Fish and Game, Sacramento, California, USA.
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- California Department of Fish and Wildlife. 2016. Five-year status review for Swainson's Hawk (*Buteo swainsoni*). California Department of Fish and Wildlife, Sacramento, California, USA.
- California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act candidate bumble bee species. California Department of Fish and Wildlife, Sacramento, California, USA.
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- Swainson's Hawk Technical Advisory Committee. 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee.
- United States Fish and Wildlife Service. 2011. Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. U.S. Fish and Wildlife Service, Sacramento, California.

# Attachment 1

**Attachment 1**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM  
(MMRP)**

**PROJECT: Riverview Market Commercial Project (Project)  
Notice of Preparation (NOP)  
SCH No.: 2025101507**

| <b>RECOMMENDED MITIGATION MEASURE</b>                                          | <b>STATUS/DATE/INITIALS</b> |
|--------------------------------------------------------------------------------|-----------------------------|
| <b><i>Before Disturbing Soil or Vegetation</i></b>                             |                             |
| San Joaquin Kit Fox (SJKF)                                                     |                             |
| <b>Recommended Mitigation Measure 1:</b><br>SJKF preconstruction surveys       |                             |
| <b>Recommended Mitigation Measure 3:</b><br>SJKF Take Authorization            |                             |
| Swainson's Hawk (SWHA)                                                         |                             |
| <b>Recommended Mitigation Measure 4:</b><br>SWHA Surveys Prior to Construction |                             |
| <b>Recommended Mitigation Measure 6:</b><br>SWHA Take Authorization            |                             |
| <b>Recommended Mitigation Measure 7:</b><br>SWHA Foraging Habitat Mitigation   |                             |
| Western Burrowing Owl (BUOW)                                                   |                             |
| <b>Recommended Mitigation Measure 8:</b><br>BUOW Preconstruction Surveys       |                             |
| <b>Recommended Mitigation Measure 10:</b><br>BUOW Take Authorization           |                             |
| Crotch's Bumble Bee (CBB)                                                      |                             |
| <b>Recommended Mitigation Measure 11:</b><br>CBB Surveys                       |                             |
| <b>Recommended Mitigation Measure 13:</b><br>CBB Take Authorization            |                             |
| State Species of Special Concern                                               |                             |

|                                                                   |  |
|-------------------------------------------------------------------|--|
| <b>Recommended Mitigation Measure 14:</b><br>Surveys              |  |
|                                                                   |  |
| <b><i>During Construction</i></b>                                 |  |
| San Joaquin Kit Fox (SJKF)                                        |  |
| <b>Recommended Mitigation Measure 2:</b><br>SJKF Avoidance Buffer |  |
| Swainson's Hawk (SWHA)                                            |  |
| <b>Recommended Mitigation Measure 5:</b><br>SWHA Avoidance Buffer |  |
| Western Burrowing Owl (BUOW)                                      |  |
| <b>Recommended Mitigation Measure 9:</b><br>BUOW Avoidance Buffer |  |
| Crotch's Bumble Bee (CBB)                                         |  |
| <b>Recommended Mitigation Measure 12:</b><br>CBB Avoidance        |  |
| State Species of Special Concern                                  |  |
| <b>Recommended Mitigation Measure 15:</b><br>Avoidance            |  |

**From:** James Davis <[JamesD@jaco.com](mailto:JamesD@jaco.com)>  
**Sent:** Wednesday, December 10, 2025 2:06 PM  
**To:** Ashley Knight <[aknight@bakersfieldcity.us](mailto:aknight@bakersfieldcity.us)>  
**Subject:** RE: Scoping Meeting for Rosedale/Coffee

Hi Ashley, as a follow-up to the email below, I have cut and pasted information on "blight" from the internet. Let me know if this will be part of the EIR. Thank you.

Yes, **"blight" (often referred to as urban decay) is part of an Environmental Impact Report (EIR) study** under the California Environmental Quality Act (CEQA). 

While CEQA primarily focuses on physical environmental impacts, it mandates that **economic or social effects be considered if they would result in, or are caused by, an adverse physical impact on the environment.** Urban decay or blight is considered a potential physical environmental impact that must be analyzed if it is a reasonably foreseeable indirect consequence of a proposed project. 

### Key Aspects of Blight in an EIR

- **Physical Deterioration:** The analysis focuses on whether a project would cause significant physical deterioration of properties or structures.
- **Causation Chain:** An EIR must establish a clear chain of causation where the economic or social change (e.g., a new large retail center causing nearby small businesses to close) leads to a physical impact (e.g., long-term commercial vacancy leading to building deterioration and vandalism).
- **Economic vs. Environmental Impact:** A project's effect on property values or housing prices alone is generally an economic impact and not a physical environmental impact under CEQA, unless it demonstrably leads to physical blight.
- **Urban Decay Analysis:** EIRs often contain a dedicated "Urban Decay" section to analyze these potential impacts, sometimes involving robust studies and expert opinions to determine if the impact is significant. 

In essence, if there is a "fair argument" that a project may lead to physical blight, the project must study and mitigate that potential effect. 

**From:** James Davis  
**Sent:** Wednesday, December 10, 2025 1:40 PM  
**To:** 'Ashley Knight' <[aknight@bakersfieldcity.us](mailto:aknight@bakersfieldcity.us)>  
**Subject:** RE: Scoping Meeting for Rosedale/Coffee

Hi Ashley,

I don't know if it's too late but I wanted to mention that part of the CEQA and EIR process might include a study on how the new future shopping center could cause blight in other shopping centers by taking away existing tenants. I don't know if that is something that is normally looked into or not.

Thank you,

**Jim Davis**

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